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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,945	03/31/2004	Gilles Grandpierre	251318US6	4929

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EXAMINER

BARROW, JAMES G

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,945	Applicant(s) GRANDPIERRE, GILLES	
	Examiner James G. Barrow	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/18/2006 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the processes of manufacturing the plate in claims 8 and 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (6,297,482) in view of Vilato et al (6,120,282). Becker discloses a glass-ceramic plate 15 of one-piece construction having at least one opening 36 for a downdraft venting system in the center, that has a complex and polygonal shape of curved ends and straight with a grill (see figure 2) that forms a mesh for a suction hood for the extraction of cooking gases having cooking and/or high temperature maintaining devices 30-34. However, Becker does not disclose this opening having a bent upward portion around its outer peripheral edge. Vilato et al figure 1a and 1b) in the same field of invention for the purpose of "The opening 6 in the teaches the use of a glass-ceramic cooktop with a bent upward portion 6 and 6' (see glass-ceramic plate 2 thus described with reference to FIGS. 1a and 1b is reliably protected from mechanical shocks and is sealed with respect to liquids" (C: 4, L: 27-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to bend the edges of the suction hood opening upward in the cooktop of Becker disclosed by Vilato et al in order

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to seal the suction hood of Becker from liquids. Regarding claims 3, 5, and 15-17; at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the opening have a make the opening 35 cm from the edge of the ceramic plate, have a dimension greater than 10 cm, locating the opening at least 35 mm from each heating area of the plate, or has an angular shape because Applicant has not disclosed that making the opening 35 cm from the edge of the ceramic plate, having an opening have a dimension greater than 10 cm, locating the opening at least 35 mm from each heating area of the plate, or has an angular shape provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the opening having the length, location, and shape it has because it is long enough and located close enough to the heating areas to perform the stated function. Therefore, it would have been an obvious matter of design choice to modify Becker to obtain the invention as specified in claims 3, 5, and 15-17. Regarding claims 8 and 9, these process claims are dependent upon a product claim making them hybrid product by process claims, which are given little patentable weight.

Response to Arguments

6. Applicant's arguments filed 01/18/2006 have been fully considered but they are not persuasive.
7. Regarding claim 1, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be

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recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Applicant's argument is that one of ordinary skill in the art would not find it obvious to combine the raised portion around the atmospheric burners of Vilato et al and the downdraft vent opening of the range top of Becker, because Vilato et al uses atmospheric burners while Becker use sealed electrical type heating elements and Vilato et al raised portion is for atmospheric burners not for the downdraft vent opening of Becker. The Examiner is aware of this difference, but it is the Examiner's position that one ordinary skill in the art would look at the raised portion around the atmospheric burners of Vilato et al and read in the specification that "The opening 6 in the teaches the use of a glass-ceramic cooktop with a bent upward portion 6 and 6' (see glass-ceramic plate 2 thus described with reference to FIGS. 1a and 1b ... is sealed with respect to liquids" (C: 4, L: 27-30) and realize that it could be used on other range tops such as those with open electrical burner elements or a downdraft venting system.

8. Regarding Applicant's traverse of claim 5, the Examiner's rejection was not based on the downdraft vent opening of Becker having a polygonal or a closed figure consisting of straight lines joined end to end shape, which it obviously doesn't, it was based on design choice. To overcome design choice the Applicant must provide a

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reason that the polygonal shape of the instant invention provides an advantage, is used for a particular purpose, or solves a stated problem.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G. Barrow whose telephone number is (571) 272-4870. The examiner can normally be reached on M-F, 9:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James Barrow


EHUD GARTENBERG
SUPERVISORY PATENT EXAMINER